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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

NOTIFICATION

New Delhi, the 1st November 1969

G.S.R. 2558.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1957, namely:—

(1) This Order may be called the Fertiliser (Control) Amendment Order, 1969.

(2) In the Fertiliser (Control) Order, 1957 (hereinafter referred to as the said Order), in clause 2,—

(i) item (g) shall be omitted;

(ii) for item (1), the following item shall be substituted, namely:—

"(1) 'Registering authority' means an officer empowered to grant a certificate of registration for sale of fertiliser or to register mixtures of fertilisers under this order, appointed under clause 16."

(3) After clause 4 of the said order, for the heading "Dealer in Fertiliser to be Licensed", the following heading "Dealer in Fertiliser to be Registered" shall be substituted.

(4) In clause 5 of the said order,—

(i) for the words "Dealers to obtain licence", the words "Dealers to obtain certificate of registration" shall be substituted;

(ii) for sub-clause (1), the following clause shall be substituted, namely:—

"(1) Subject to the provisions of clause 6, no person shall carry on the business of selling fertiliser at any place except under and in accordance with the terms and conditions of certificate of registration granted to him under this order:

Provided that licences issued by the State Governments for carrying on the business of selling fertilisers on or before 30th November, 1969 shall be deemed to be a certificate of registration until the date of its expiry."

(5) In the said Order, for clause 6, the following clause shall be substituted, namely:—

"6. **Application for registration**

Every person desiring to obtain a certificate of registration for selling fertiliser under this Order shall make an application in duplicate to the Registering Authority in Form 'A' within fourteen days of commencing the business of selling fertilisers".

(6) In the said Order, for clause 7, the following clause, shall be substituted, namely:—

"7. **Grant and refusal of registration**

The Registering Authority shall grant a certificate of registration in Form 'B' to any person who applies for it under clause 6, unless such person had been convicted for any offence under the Essential Commodities Act, 1955 or any Orders made thereunder within three years preceding the date of application".

(7) In the said Order, for clause 8, the following clause shall be substituted, namely:—

"8. **Period of validity of certificates of registration**

Every certificate of registration under this Order, shall unless previously cancelled or suspended, expire on the 31st day of March next following".

(8) In the said Order, clauses 8A and 8B shall be omitted.

(9) In the said Order, for clause 9, the following clause shall be substituted, namely:—

"9. **Renewal of certificates of registration**

(1) Every holder of a certificate of registration desiring to renew the certificate of registration shall, before the date of expiry of the certificate of registration or within the grace period, if any, prescribed in that regard by a State Government, make an application for renewal in duplicate to the registering authority in Form 'C' together with the fee for the renewal of the registration. On receipt of such application together with such fee, the registering authority may renew the certificate of registration.

(2) If any application for renewal is not made before the expiry of the certificate of registration or within the period of grace, if and where allowed, but is made within one month from the date of expiry of the certificate of registration or the period of grace as the case may be, the certificate of registration may be renewed on payment of such additional fee as may be fixed by the State Government in consultation with the Controller of Fertiliser in addition to the fee for the renewal of the certificate of registration.

(3) Where the application for renewal is made within the time specified in sub-clause (1) or sub-clause (2), the applicant shall be deemed to hold a valid certificate of registration, until such date as the registering authority passed orders on the application for renewal.

(4) If an application for renewal of a certificate of registration is not made within one month of the expiry of the certificate of registration and the period of grace, if and where allowed, the certificate of registration would be deemed to

have expired on the 31st day of March next following year and any business carried on after that date shall be deemed to have been carried on in contravention of clause 5."

(10) In the said Order, clause 15 shall be omitted.

(11) In the said Order, for clause 16, the following clause shall be substituted, namely:—

"16. **Registering authority**

The State Government may by notification in the official Gazette appoint a registering authority for the purpose of issuing certificate of registration of dealers and for registering mixtures of fertilisers including special mixtures of fertilisers".

(12) In the said Order, for clause 16A, the following clause shall be substituted, namely:—

"16A. Grant of a duplicate copy or renewal of a certificate of registration.

Where a certificate of registration original or renewed, is lost, the registering authority may, on an application made in this behalf, grant a duplicate certificate. The registering authority may, on application made in that behalf, issue additional copies of a certificate of registration."

(13) In the said Order, for clause 17, the following clause shall be substituted, namely:—

"17. **Power to cancel registration certificate**

A registering authority may, after giving the holder of a certificate of registration, an opportunity of being heard, cancel or suspend the certificate of registration on any of the following grounds, namely:—

(a) that the certificate of registration had been obtained by mis-representation as to a material particular; and

(b) that any of the provisions of this Order or any condition of the certificate of registration has been contravened.

(14) In the said Order, for clause 18 the following clause shall be substituted, namely:—

"18. **Appeal**

Any person aggrieved by on Order—

(a) refusing to grant, amend or renew the certificate of registration for sale of fertilisers;

(b) refusing to grant a certificate of registration for mixtures;

(c) cancelling or suspending any certificate of registration may within sixty days from the date of the Order, appeal to such authority as the State Government may specify in this behalf, and the decision of such authority shall be final."

(15) In clause 22 of the said Order, for sub-clauses (1) and (3), the following sub-clauses shall respectively be substituted, namely:—

"(1) The fee payable for the grant, amendment or renewal of any certificate of registration or additional copies of such certificate, or for the grant of a duplicate certificate of renewal or a duplicate certificate of registration under this Order shall be such as the State Government may, after consultation with the Controller, from time to time, fix; and different fees may be fixed for the grant, amendment or renewal of a certificate of registration, for different classes of dealers or for different types of mixtures;

Provided that the fee payable for the grant, amendment or renewal of licence or for the grant of duplicate licence on or before 30th November, 1969 shall be deemed to be the fee for the grant, amendment, renewal or grant of duplicate certificate of registration for the sale of fertilisers under this Order unless and until the same is changed by the appropriate State Government.

(2) Any fee paid under sub-clause (1) shall not be refundable unless the grant or renewal of any certificate of registration or additional copies of such certificate or a duplicate certificate of renewal or a duplicate certificate of registration under this Order has been refused."

(16) In the said Order, for Forms 'A', 'B' and 'C', the following Forms shall respectively be substituted, namely:—

FORM 'A'

(*See* clause 6)

Form of Application to Obtain Dealers' Certificate of Registration

To

The Registering Authority,

State of ————————.

1. Full name and address of the applicant.

2. Is the applicant a new comer? (Say 'yes' or 'no')

3. If yes, the names of the fertiliser manufacturers or wholesalers or agents, if any, whom he represents.

4. Situation of the dealers' premises where the fertilisers are/will be (a) stored and (b) sold.

5. Full particulars of certificate of registration, issued by other State Governments to the applicant, if any, in their areas.

6. How long has the applicant been trading in fertiliser?

7. Quantities of each fertiliser (in tons) in my/our possession on the date of application (at the sale depot and in godowns attached thereto).

8. If the applicant has been—

(i) in the trade, give full particlars of the names of fertilisers handled, the period and the place(s) at which the trade was carried on, (and the fertiliser manufacturers or whole-salers or agents whom he represented).

(ii) also give the quantities handled during the past two calendar years.

(a)

(b)

9. I enclose a certificate from the fertiliser manufacturers or wholesalers or agents whom represent or whom I intend to represen indicating the source/sources from which fertilisers will be obtained.

10. I have not been convicted of any offence under the Essential Commodities Act or any Order made thereunder in the three years preceding the date of application.

11. I have deposited the prescribed registration fee.

12. Declaration:

(a) I/We declare that the information given above is true to my/our knowledge and belief, and no part thereof is false.

(b) I/We carefully read the terms and conditions of the certificate of regisration given in Form 'B' appended to the Fertiliser (Control) Order, 1957 and agree to abide by them.

Signature of the applicant

Name and address of applicant(s) in block letters.

Date:

Place:

NOTE : (1) Where the business of selling fertilisers is carried on at more than one place a separate application must be made for a licence in respect of each such place.

(2) A certificate from the fertiliser manufacturers or wholesale dealers or agents need not be attached to an application for a dealers' certificate of registration if it relates only to raw bonemeal or steamed bonemeal or both.

Remarks by the Registering authority.

EMBLEM

FORM 'B'

(*See* clause 7)

Block No. ———— Registration No. ————

Date of Issue ————

Valid upto ————

CERTIFICATE OF REGISTRATION TO CARRY ON THE BUSINESS OF A DEALER IN FERTILISERS IN THE STATE OF

.....is hereby granted certificate of registration to carry on the business of selling fertilisers at the place prescribed below in the State subject to the terms and conditions specified below and to the provisions of the Fertiliser (Control) Order, 1957.

Description of the place of business

Name or style by which the business is carried on	Location of sale depot	Location of godowns attached to sale depot

Date

SEAL

Registering Authority

State of.....

Terms and conditions of certificate of registration

1. This certificate of registration shall be displayed in a prominent and conspicuous place in a part of the business premises open to the public

2. The holder of the certificate shall comply with the provisions of the Fertiliser (Control) Order, 1957 and the notifications issued thereunder for the time being in force.

3. The certificate of registration shall come into force immediately and be valid upto the 31st March, 19..... unless previously cancelled or suspended.

4. The holder of the certificate shall from time to time report to the Registering Authority any change in the premises where he carried on his business of selling fertilisers.

5. The dealer shall keep in stock for sale all the three types of fertilisers *viz.*, nitrogenous, phosphatic and potassic, in straight form. At any time, the stock in terms of nutrients, of phosphatic fertilisers and of potassic fertilisers together shall not be less than 20 per cent of the nitrogen in nitrogenous fertilisers with the dealers.

NOTE: 1. Where the business of selling fertilisers is carried on at more than one place, a separate registration certificate should be obtained in respect of each place.

2. The original is meant for the holder of the certificate which will be delivered against his proper and adequate acknowledgement. The original certificate of registration will be torn off at the place perforated while all duplicates shall be kept intact bound in the registeration book by the Registering authority.

EMBLEM

FORM 'C'

(*See* clause 9)

Application for Renewal of the Registration Certificate to Carry on the Business of a Dealer in Fertilisers.

To

The Registering Authority,

State of ——————.

I/We hereby apply for renewal of the certificate of registration to carry on the business of a dealer in fertilisers under the name and style of..... The certificate desired to be renewed was granted by the Registering Authority for the State of and allotted Registration Certificate No..... on the day of 19 .

2. The situation of the applicant's premises where the fertilisers are/will be (a) stored, and (b) sold.

3. In the case of a certificate of Licence granted in Form 'B' as in force immediately before the 17th August, 1959,—

(i) I/We hereby declare that the situation of my/our premises where the fertilisers are (a) stored, and (b) sold are as stated below:

(a)	(b)
Premises where fertilisers are stored.	Premises where fertilisers are sold.

(ii) The fertilisers in which I/We am/are carrying on business and the name of the fertiliser manufacturers or wholesale dealers or agents whom I/We represent are as stated below:—

(a)	(b)
Name of fertilisers	Name of fertiliser manufacturers or wholesale dealers or agent

Signature of applicant(s)

Full name and address of the

applicant in block letters.

Date:

Place:

Certified that the Certificate of registration bearing number granted on to to carry on the business of a dealer in fertilisers at the premises situated is hereby renewed until the 31st March, 19 , unless previously cancelled or suspended under the provisions of the Fertiliser (Control) Order, 1957.

(In case of renewal licences/certificate of registration granted in Form B as in force immediately before the 17th August, 1959)—

(a)	(b)	(c)
Location of sale Depot	Location of godowns attached to sale depot.	Name of fertilisers for which licence/certificate of registration renewed.

Date:

Renewal number

Seal

Registering Authority,
State of

(17) In the said order, Form 'AA' shall be omitted.

[No. 16-19/68-M.]

SARAN SINGH, Jt. Secy.

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